

107TH CONGRESS
1ST SESSION

H. R. 2034

To authorize the Secretary of Housing and Urban Development to make grants to evaluate and reduce lead-based paint hazards at public elementary schools and licensed child day-care facilities.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2001

Ms. ROYBAL-ALLARD (for herself, Mr. ACEVEDO-VILÁ, Mr. BORSKI, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Mr. HINCHHEY, Ms. KILPATRICK, Mr. LANTOS, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MCKINNEY, Ms. SLAUGHTER, Ms. SOLIS, Mr. UNDERWOOD, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Housing and Urban Development to make grants to evaluate and reduce lead-based paint hazards at public elementary schools and licensed child day-care facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School and Day-Care
5 Lead-Based Paint Reduction Act of 2001”.

1 **SEC. 2. PROGRAM OF GRANTS REGARDING LEAD-BASED**
2 **PAINT HAZARDS AT PUBLIC ELEMENTARY**
3 **SCHOOLS AND LICENSED CHILD DAY-CARE**
4 **FACILITIES.**

5 (a) IN GENERAL.—

6 (1) AUTHORITY FOR MAKING GRANTS.—The
7 Secretary of Housing and Urban Development may
8 make grants to States, units of local government,
9 and local educational agencies for the purpose of
10 evaluating and reducing lead-based paint hazards
11 at—

12 (A) public elementary schools; and

13 (B) child day-care facilities that are li-
14 censed by the State in which the facilities are
15 located.

16 (2) CONSULTATIONS.—In carrying out this sec-
17 tion, the Secretary shall consult with the Secretary
18 of Education, the Administrator of the Environ-
19 mental Protection Agency, and the Secretary of
20 Health and Human Services.

21 (b) SELECTION CRITERIA.—The Secretary shall
22 make grants under subsection (a) on the basis of the ac-
23 tivities proposed to be carried out with the grants and on
24 the basis of the following criteria for approving applica-
25 tions for the grants:

1 (1) The extent to which the proposed activities
2 will reduce the risk of lead poisoning to children at
3 the eligible facilities involved, with priority given to
4 facilities that serve significant numbers of children
5 who are under the age of 6.

6 (2) The comparative degree of severity and ex-
7 tent of lead-based paint hazards at the eligible facili-
8 ties.

9 (3) The extent to which the facilities and the
10 applicant for the grant have the fiscal capacity to
11 carry out the purpose described in subsection (a)
12 without a grant under such subsection.

13 (4) The ability of the applicant to provide for
14 the non-Federal contributions required in subsection
15 (d).

16 (5) The ability of the applicant to carry out the
17 proposed activities.

18 (6) Such other factors as the Secretary deter-
19 mines appropriate to ensure that the grants are used
20 effectively and to promote the purpose described in
21 subsection (a).

22 (c) AUTHORIZED EXPENDITURES.—The Secretary
23 may authorize the expenditure of a grant under subsection
24 (a) for the following purposes:

1 (1) To perform risk assessments and lead in-
2 spections at the eligible facilities involved.

3 (2) To provide for the interim control of lead-
4 based paint hazards at such facilities.

5 (3) To provide for the abatement of such haz-
6 ards at the facilities.

7 (4) If the facilities are undergoing renovations
8 carried out with funds other than the grant, to pro-
9 vide for the additional cost of reducing such hazards
10 at the facilities.

11 (5) To ensure that risk assessments, inspec-
12 tions, and abatements are carried out by certified
13 contractors in accordance with section 402 of the
14 Toxic Substances Control Act. This paragraph may
15 not be construed as prohibiting personnel who carry
16 out maintenance or cleaning duties at eligible facili-
17 ties from performing their normal duties at the fa-
18 cilities.

19 (6) To monitor the blood-lead levels of workers
20 involved in lead hazard reduction activities carried
21 out pursuant to this section.

22 (7) To assist in the temporary relocation of the
23 activities of the facilities while lead hazard reduction
24 measures are being conducted at the facilities.

1 (8) To educate the following individuals on the
2 nature and causes of lead poisoning and on meas-
3 ures to reduce lead-based paint hazards at the facili-
4 ties:

5 (A) School officials, teachers, and students
6 at the facilities, and parents of the students, in
7 the case of facilities that are eligible schools.

8 (B) Supervisors, staff, and children at the
9 facilities, and parents of the children, in the
10 case of facilities that are eligible child day-care
11 facilities.

12 (C) Personnel who carry out maintenance
13 duties at the eligible facilities.

14 (D) Personnel who carry out cleaning du-
15 ties at the facilities.

16 (9) After lead-based paint hazard reduction ac-
17 tivities have been conducted at the facilities, to test
18 soil, interior surface dust, and the blood-lead levels
19 of children at the facilities to assure that such activi-
20 ties do not cause excessive exposure to lead.

21 (10) To carry out the activities described in this
22 subsection at facilities that are not currently being
23 used as eligible facilities but are undergoing renova-
24 tion in order to be used as such facilities.

1 (11) To carry out such other activities as the
2 Secretary determines appropriate to promote the
3 purpose described in subsection (a).

4 (d) REQUIREMENT OF MATCHING FUNDS.—

5 (1) IN GENERAL.—A condition for the receipt
6 of a grant under subsection (a) is that, subject to
7 paragraph (2), the applicant for the grant agree to
8 make available (directly or through donations from
9 public or private entities) non-Federal contributions
10 toward the purpose described in such subsection in
11 an amount that is not less than 50 percent of the
12 amount of the grant.

13 (2) PROVISIONS REGARDING SERVICE TO LOW-
14 INCOME CHILDREN.—With respect to eligible facili-
15 ties that serve significant numbers of children from
16 low-income families, the following apply:

17 (A) In the case of the activities described
18 in paragraphs (1) and (2) of subsection (c) (re-
19 lating to risk assessments, inspections, and in-
20 terim control), the Secretary may waive the re-
21 quirement of paragraph (1) or reduce the per-
22 centage that otherwise would be applicable
23 under such paragraph.

24 (B) In the case of other activities described
25 in subsection (c), the Secretary may reduce the

1 percentage that otherwise would be applicable
2 under such paragraph, except that the percent-
3 age may not be less than 10 percent.

4 (3) DETERMINATION OF AMOUNT CONTRIB-
5 UTED.—Non-Federal contributions required in para-
6 graph (1) may be in cash or in kind, fairly evalu-
7 ated, including plant, equipment, or services.
8 Amounts provided by the Federal Government, or
9 services assisted or subsidized to any significant ex-
10 tent by the Federal Government, may not be in-
11 cluded in determining the amount of such non-Fed-
12 eral contributions.

13 (e) REPORT.—A condition for the receipt of grant
14 under subsection (a) is that the applicant for the grant
15 agree that the applicant will for each fiscal year in which
16 the grant is expended submit to the Secretary a report
17 that provides the following:

18 (1) A description of the purposes for which the
19 grant was expended.

20 (2) A statement of the number of risk assess-
21 ments and inspections conducted at eligible schools
22 and at eligible child day-care facilities.

23 (3) A statement of the number of eligible
24 schools and eligible child day-care facilities at which

1 lead-based paint hazards have been reduced through
2 interim controls.

3 (4) A statement of the number of eligible
4 schools and eligible child day-care facilities at which
5 lead-based paint hazards have been abated.

6 (5) Such other information as the Secretary de-
7 termines to be appropriate.

8 (f) OTHER CONDITIONS.—A condition for the receipt
9 of grant under subsection (a) is that the applicant for the
10 grant agree to the following:

11 (1) The grant will not be expended to replace
12 other amounts made available or designated by the
13 State, unit of local government, or local educational
14 agency involved for the purpose described in sub-
15 section (a). In determining compliance with the pre-
16 ceding sentence, the Secretary shall count non-Fed-
17 eral contributions provided by the applicant under
18 subsection (d).

19 (2) Not more than 10 percent of the grant will
20 be used for the administrative expenses of carrying
21 out the purpose described in subsection (a).

22 (3) The applicant will maintain and provide the
23 Secretary with financial records that are sufficient,
24 in the determination of the Secretary, to ensure
25 proper accounting and disbursing of the grant.

1 (g) APPLICATION FOR GRANT.—The Secretary may
2 make a grant under subsection (a) only if an application
3 for the grant is submitted to the Secretary and the appli-
4 cation is in such form, is made in such manner, and con-
5 tains such agreements, assurances, and information as the
6 Secretary determines to be necessary to carry out this sec-
7 tion.

8 (h) COORDINATION WITH ACADEMIC YEAR.—To the
9 maximum extent feasible, the Secretary shall in making
10 grants under subsection (a) with respect to eligible schools
11 ensure that application deadlines and grant notification
12 timelines are compatible with the needs of State and local
13 officials in providing for a normal academic year at the
14 eligible schools involved.

15 (i) DEFINITIONS.—For purposes of this section:

16 (1)(A) The terms specified in subparagraph (B)
17 have the meanings given such terms in section 1004
18 of the Residential Lead-Based Paint Hazard Reduc-
19 tion Act of 1992.

20 (B) The terms referred to in subparagraph (A)
21 are “abatement”; “certified contractor”; “inspec-
22 tion”; “interim controls”; “lead-based paint”; “lead-
23 based paint hazard”; “reduction”; and “risk assess-
24 ment”.

1 (2) The term “elementary school” has the
2 meaning given such term in section 14101 of the El-
3 elementary and Secondary Education Act of 1965.

4 (3) The term “eligible child day-care facilities”
5 means child day-care facilities described in sub-
6 section (a).

7 (4) The term “eligible facilities” means eligible
8 schools and eligible child day-care facilities.

9 (5) The term “eligible schools” means schools
10 described in subsection (a).

11 (6) The term “local educational agency” has
12 the meaning given such term in section 14101 of the
13 Elementary and Secondary Education Act of 1965.

14 (7) The term “low income family” means fami-
15 lies that have incomes at or below an amount equal
16 to 200 percent of the official poverty line, as estab-
17 lished by the Director of the Office of Management
18 and Budget and revised by the Secretary of Health
19 and Human Services in accordance with section
20 673(2) of the Omnibus Budget Reconciliation Act of
21 1981.

22 (8) The term “Secretary” means the Secretary
23 of Housing and Urban Development, unless the con-
24 text indicates otherwise.

1 (j) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this section, there are authorized
3 to be appropriated such sums as may be necessary for
4 each fiscal year.

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